

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

FRED WALKER,

Movant,

vs.

UNITED STATES OF AMERICA,

Respondent.

Case No. 4:08CV127 HEA

ORDER

This matter is before the Court upon movant's motion for leave to proceed in forma pauperis [Doc. #2].

On January 25, 2008, the Office of the Clerk received and filed movant's motion to set aside, correct, or vacate sentence pursuant to 28 U.S.C. § 2255 and a motion to proceed in forma pauperis. Because there is no filing fee for a § 2255 motion, movant need not be granted in forma pauperis status in order to maintain this action. *See* Rule 3, Advisory Committee Notes of the Rules Governing Section 2255 Proceedings. Thus, to the extent that movant is seeking leave to initiate this action in forma pauperis, his request is moot. Furthermore, a review of the file indicates that movant does not seek a determination as to his pauper status for any other reason (e.g., appointment of counsel, appeal in forma pauperis).

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for leave to proceed in forma pauperis [Doc. #2] is **DENIED**, without prejudice.

Dated this 6th day of February, 2008.



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE